



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

TR CMP No.674 of 2021
and CMP No.16923 of 2021

1.S.Sivagami
2.S.Nambi

... Petitioners/Defendants 1 & 2

Vs

1.S.Parvathy

...1st Respondent/Plaintiff

2.Indian Bank,
Ayapakkam Branch,
through its Principal officer and Branch Manager,
No.17/3, ICF Colony Main Road,
Ambattur Phase III Scheme, Ayappakkam,
Chennai 600 058.

3.IndusInd Bank,
Anna Nagar East Branch,
Through its Principal officer and Branch Manager,
AJ Complex, W-115A, 3rd Avenue,
Anna Nagar, Chennai 600 040.

4.State Bank of India,
Ayapakkam Branch,
Through its Principal officer and Branch Manager,
No.86 AB, 2nd Main Road,
TNHB Layout, Annanur, Ayappakkam,
Chennai 600 058.

5.Tamilnadu Mercantile Bank,
Ayapakkam Branch,
Through its Principal officer and Branch Manager,
No.45, Ayappakkam M3.18cmain Road,
TNHB Layout, KK Nagar, Ambattur,
Chennai 600 053.



6.Tamilnadu State Apex Co-operative Bank (TNSC),
Anna Nagar West Branch,
Through its Principal officer and Branch Manager,
No.388, School Road, Anna Nagar West,
Chennai-600 101.

7.Great Indian Securities Company Limited,
Through its Director,
1st Floor, J-14, 3rd Avenue, Block H,
Anna Nagar (East),
Chennai-600 102.

... Respondents/Plaintiffs
& Defendants 3 to 8

Prayer: Transfer Civil Miscellaneous Petition filed under
Section 24 of the Code of Civil Procedure, 1908, pleased to
withdraw and transfer the suit in O.S.No.209 of 2021 on the file
of III Additional District Judge, Tirunelveli filed by the 1st
Respondent to the Judge, City Civil Court, Chennai.

For Petitioners : Mr.G.Thyagarajan

For Respondents : Ms.A.Dhanwanthi
for Mr.K.Govi Ganesan

O R D E R

The defendants 1 and 2 in O.S.No.209 of 2021 seek transfer
of the said suit which is for partition launched by the first
respondent before the District Court at Tirunelveli.

2.There are at least four items of immovable properties,
which are the subject matter of the said suit. The first item of
property is situated at Tirunelveli. The second item is situated
at Ambattur Village, Thiruvallur District. The third and the
fourth items are situate at Anna Nagar West Extension, Chennai.
The defendants 1 and 2, who are the mother and brother of the
plaintiff are the residents of Ambattur, Chennai-58.

3.The learned counsel for the petitioners namely, defendants
1 and 2 would submit that the sister is also not a permanent
resident at Tirunelveli and she is a resident of Salem. She had
wantonly gone and filed a suit at Tirunelveli only to cause
inconvenience to the 76 years old mother, who is residing at
Chennai.



4.The learned counsel would also submit that though Section 17 of the Code of Civil Procedure, enables a suit to be filed in a Court within whose jurisdiction a portion of the property is situate, since major portion of the properties are situate within the jurisdiction of City Civil Court, Chennai, the City Civil Court, Chennai would be the proper Court.

5.The learned counsel for the respondents would however contend that though the wife is residing at Salem, her husband owns house at Tirunelveli, where she goes for weekends and therefore, it will be convenient for her to conduct the case only at Tirunelveli and not at Chennai. She would also claim that her stay at Salem is temporary.

6. I find this story of temporary stay has been invented to resist this transfer request. Even in the plaint filed before the Court at Tirunelveli, the plaintiff has given her address as Door No.160, E.B.Colony-I, Alagapuram, Salem. She does not say that she is residing at Salem temporarily. From the schedule of properties in the plaint, it is seen that though the first item of property is situated at Tirunelveli, Items Nos.3 and 4 are situated within the jurisdiction of the City Civil Court, Chennai and the second item is situated at Ambattur within the jurisdiction of the Sub Court, Ambattur.

7.It is also seen from the records that the first petitioner Sivagamiammal is aged about 76 years and she is a resident of Ambattur, Chennai.

8.Considering the convenience of the first petitioner and the fact that the major portion of the immovable properties are involved within the jurisdiction of the City Civil Court, Chennai, this Transfer Civil Miscellaneous Petition is allowed. O.S.No.209 of 2021 is withdrawn from the file of the Additional District Judge, Tirunelveli and transferred to this Court since the value of the suit is above one crore. No costs.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR



VS
To

1.The III Additional District Judge,
Tirunelveli.

2.The Judge,
City Civil Court, Chennai.

+lcc to Mr.G.Thyagarajan, Advocate Sr.64133
+lcc ot M/s.K.Govi Ganesan, Advocate Sr.64226
+lcc to M/s.Sampath Kumar & Associates, Sr.64254

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srg 23/12/2021